

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MATTHEW MUCKEY,

Plaintiff,

-against-

ASSOCIATED MUSICIANS OF GREATER NEW YORK,  
LOCAL 802, AMERICAN FEDERATION OF MUSICIANS  
and THE PHILHARMONIC-SYMPHONY SOCIETY OF  
NEW YORK, INC. a/k/a THE NEW YORK PHILHARMONIC  
ORCHESTRA,

Defendants.

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Case No.:  
1:24-cv-03348 (AS) (RWL)

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**STIPULATION OF VOLUNTARY DISMISSAL**

**IT IS HEREBY STIPULATED AND AGREED**, by, between, and among the undersigned attorneys for Matthew Muckey (“Plaintiff”), ASSOCIATED MUSICIANS OF GREATER NEW YORK, LOCAL 802, AMERICAN FEDERATION OF MUSICIANS (“Local 802”) and THE PHILHARMONIC-SYMPHONY SOCIETY OF NEW YORK, INC. a/k/a THE NEW YORK PHILHARMONIC ORCHESTRA (the “Society”) (Local 802 and the Society collectively referred to herein as the “Defendants”) as follows:

1. The Fourth Count of the complaint filed in the above-captioned action on May 1, 2024 (Doc. No. 1)(the “Complaint”) as against Local 802 for *Prima Facie Tort* shall be voluntarily dismissed pursuant to Fed.R.Civ.P. 41(a)(1)(A)(ii).
2. The Sixth Count of the Complaint as against the Society for a Preliminary and Permanent Injunction shall be voluntarily dismissed pursuant to Fed.R.Civ.P. 41(a)(1)(A)(ii).

3. The relief sought in the Sixth Count of the Complaint in the form of a Preliminary Injunction and Permanent Injunction shall be incorporated *nunc pro tunc* and deemed part of the relief sought in the Second Count of the Complaint as against the Society for Violation of the Final Binding Award and Breach of the Collective Bargaining Agreement; provided, however, that the Society expressly preserves and does not waive any and all defenses to the extent such relief is sought by Plaintiff.

Date: New York, New York  
July 29, 2024

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